

**United States District Court
District of South Dakota**

United States Courthouse
Office of the Clerk
400 South Phillips, Room 128
Sioux Falls, SD 57104

Matthew W. Thelen
Clerk of Court

Telephone
(605) 330-6600

MEMORANDUM

TO: Plaintiffs, Removing Parties and/or their Counsel

FROM: Matt Thelen, Clerk of Court

RE: Notice, Consent, and Reference of a Civil Action to a Magistrate Judge

Rule 73 of the Federal Rules of Civil Procedure requires that all parties be notified of the opportunity to consent to have a magistrate judge conduct all proceedings in civil cases. The Clerk's office has prepared an AO 85 form for each party in this case. Parties should not electronically file this form.

If you filed the Complaint or Petition in this case:

- a. You were given an AO 85 form by the Clerk's Office.
- b. You were also given an AO 85 form for any other plaintiffs in this case. YOU must deliver an AO 85 form to *all other plaintiffs* in this case.
- c. The Clerk's Office attached an AO 85 to each of the summonses it issued in this case if summonses were requested. An AO 85 form must be delivered to each defendant in this case. If the United States or its agencies, corporations, officers or employees are being sued, you must comply with Fed. R. Civ. P. 4(i).

If you filed a Notice of Removal in this case:

- a. You were given an AO 85 form by the Clerk's Office.
- b. You were also given an AO 85 form for each of the other parties in this case. It is your responsibility to deliver an AO 85 form to each of the other parties in this case.

If you filed a Waiver of Summons in this case:

- a. You were given an AO 85 form by the Clerk's Office.
- b. You were also given an AO 85 form for each of the other parties in this case. It is your responsibility to deliver an AO 85 form to each of the other parties in this case.